

1 **§ 160A-296. Establishment and control of streets; center and edge lines.**

2 (a) A city shall have general authority and control over all public streets,
3 sidewalks, alleys, bridges, and other ways of public passage within its corporate limits
4 except to the extent that authority and control over certain streets and bridges is vested in
5 the Board of Transportation. General authority and control includes but is not limited to
6 all of the following:

- 7 (1) The duty to keep the public streets, sidewalks, alleys, and bridges in
8 proper repair.
- 9 (2) The duty to keep the public streets, sidewalks, alleys, and bridges open
10 for travel and free from unnecessary obstructions.
- 11 (3) The power to open new streets and alleys, and to widen, extend, pave,
12 clean, and otherwise improve existing streets, sidewalks, alleys, and
13 bridges, and to acquire the necessary land therefor by dedication and
14 acceptance, purchase, or eminent domain.
- 15 (4) The power to close any street or alley either permanently or
16 temporarily.
- 17 (5) The power to regulate the use of the public streets, sidewalks, alleys,
18 and bridges.
- 19 (6) The power to regulate, license, and prohibit digging in the streets,
20 sidewalks, or alleys, or placing therein or thereon any pipes, poles,
21 wires, fixtures, or appliances of any kind either on, above, or below the
22 surface. To the extent a municipality is authorized under applicable
23 law to impose a fee or charge with respect to activities conducted in its
24 rights-of-way, the fee or charge must apply uniformly and on a
25 competitively neutral and nondiscriminatory basis to all comparable
26 activities by similarly situated users of the rights-of-way.
- 27 (7) The power to provide for lighting the streets, alleys, and bridges of the
28 city.
- 29 (8) The power to grant easements in street rights-of-way as permitted by
30 G.S. 160A-273.

31 (a1) A city with a population of 250,000 or over according to the most recent
32 decennial federal census may also exercise the power granted by subdivision (a)(3) of
33 this section within its extraterritorial planning jurisdiction. Before a city makes
34 improvements under this subsection, it shall enter into a memorandum of understanding
35 with the Department of Transportation to provide for maintenance.

36 (b) Repealed by Session Laws 1991, c. 530, s. 6, effective January 1, 1992.

37 (c) When a railroad company has filed railroad corridor maps pursuant to
38 G.S. 136-199, then the following provisions in this subsection and subsection (d) of this
39 section shall apply. In exercising the power granted under subsection (a) of this section, a
40 city shall not establish or accept for dedication any new public street, sidewalk, alley,
41 bridge, crossing or other ways of public passage within a railroad corridor as defined in
42 G.S. 160A-1(7a) without first requiring any applicant to obtain the written consent of the
43 railroad company. For purposes of this subsection, the city shall require any applicant
44 seeking dedication or reservation to obtain written consent of the railroad company by
45 contacting the railroad company, by certified mail, return receipt requested, through its
46 current registered agent at the address on file with the North Carolina Department of